

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF
TENNESSEE NASHVILLE DIVISION**

**UNITED STATES OF AMERICA and the
STATE OF TENNESSEE ex rel. JEFFREY
H. LIEBMAN and DAVID M. STERN, M.D.
Relators,**

v.

**METHODIST LE BONHEUR
HEALTHCARE, METHODIST
HEALTHCARE-MEMPHIS HOSPITALS,
THE WEST CLINIC, PLLC d/b/a WEST
CANCER CENTER, WEST PARTNERS,
LLC, LEE SCHWARTZBERG, M.D.,
ERICH MOUNCE, CHRIS MCLEAN,
GARY SHORB, AND JOHN DOES 1-100,
Defendants.**

Case No. 3:17-CV-00902

**District Judge William L.
Campbell, Jr.**

**Magistrate Judge Barbara D.
Holmes**

AFFIDAVIT OF PEGGY REISSER

**THE STATE OF TENNESSEE
COUNTY OF SHELBY**

Peggy Reisser, having first been duly sworn according to law, makes oath upon her personal knowledge as follows:

1. I, Peggy Reisser, am over eighteen years of age and am competent to testify to the matters contained herein based on my own personal knowledge. I have been employed by the University of Tennessee at its Health Science Center in Memphis ("UTHSC") for approximately the past seven and a half years. I currently serve as Communications Manager in UTHSC's Communications and Marketing Department.

2. One of my job duties has been to assist in responding to records requests made to UTHSC under the Tennessee Public Records Act. As a state governmental entity, UTHSC is required to comply with the Public Records Act, which also allows for UTHSC to require

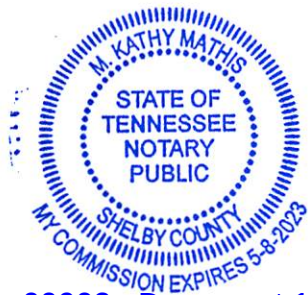
requestors to pay the reasonable costs incurred in producing the requested records. Part of the job duties when assisting in responding to such records requests includes estimating and calculating the reasonable costs incurred in producing the requested records. This involves, among other things, requesting and receiving estimates of the time spent by University employees in responding to such records requests and multiplying such time spent by each such employee by such employee's base salary hourly rate.

3. The University's rules and procedures regarding public records requests, including information regarding fees and charges, are set forth in Tenn. Comp. R. & Regs. 1720-01-11, which are published on the internet at <https://publications.tnsosfiles.com/rules/1720/1720-01/1720-01-11.20190310.pdf>.

4. Recently, I became aware that a subpoena had been issued to the University by counsel for Methodist defendants in this matter (the "Subpoena"). Although the Tennessee Public Records Act does not apply to records requests sought via the subpoena process, I was asked assist UTHSC in calculating the reasonable costs incurred by University employees in 2020 in responding to the Subpoena. Each employee involved in responding to the Subpoena was asked to report their time spent and base salary hourly rates to me for purposes of conducting such calculation.

5. In response to this inquiry, I received information indicating that at least fifteen University employees spent a total of approximately 141 hours responding to the Subpoena in 2020. I multiplied the estimated time spent by each such employee by their respective base salary hourly rates. The total dollar value spent by these fifteen University employees totaled \$ 9,319.41.

AND FURTHER AFFIANT SAITH NOT.




Peggy Reisser

Sworn and subscribed to me before this 10th day of February, 2021.



Notary Public

My Commission Expires: 5-8-2023